

REED R. KATHREIN (139304)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
reed@hbsslaw.com

LEWIS S. KAHN
KAHN GAUTHIER SWICK, LLC
650 Poydras Street, Suite 2150
New Orleans, LA 70130
Telephone: (504) 455-1400
Facsimile: (504) 455-1498
lewis.kahn@kgscounsel.com

Attorneys for Plaintiffs

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BIKASH MOHAN MOHANTY, On Behalf of)
Himself and All Others Similarly Situated,)

Plaintiff,)

vs.)

BIGBAND NETWORKS, INC., AMIR)
BASSAN-ESKENAZI, RAN OZ, FREDERICK)
BALL, GAL ISRAELY, DEAN GILBERT,)
KEN GOLDMAN, LLOYD CARNEY, BRUCE)
SACHS, ROBERT SACHS, GEOFFREY)
YANG, MORGAN STANLEY & CO., INC.,)
MERRILL LYNCH, PIERCE, FENNER &)
SMITH, INC., JEFFERIES & CO., INC.,)
COWEN AND CO., INC., AND)
THINKEQUITY PARTNERS, LLC)

Defendants.)

Case No. 3:07-CV-05101-SBA

[PROPOSED] ORDER GRANTING THE
ADMINISTRATIVE MOTION OF GWYN
JONES TO FILE A SUR-REPLY IN
RESPONSE TO NEWLY RAISED
ARGUMENTS OF SPHERA FUND,
PURSUANT TO LOCAL RULE 7-11

DENNIS KOESTERER, On Behalf of Himself and
All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR BASSAN-
ESKENAZI, FREDERICK A. BALL, RAN OZ,
LLOYD CARNEY, DEAN GILBERT, KEN
GOLDMAN, GAL ISRAELY, BRUCH SACHS,
ROBERT SACHS, and GEOFFREY YANG

Defendants.

Case No. 3:07-CV-05168-MMC

ABRENA WINSTON, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR
BASSAN-ESKENAZI, RAN OZ, FREDERICK
BALL, GAL ISRAELY, DEAN GILBERT, KEN
GOLDMAN, LLOYD CARNEY, BRUCE
SACHS, ROBERT SACHS, GEOFFREY
YANG, MERRILL LYNCH, PIERCE, FENNER
& SMITH, INC., MORGAN STANLEY & CO.,
INC., COWEN AND CO., JEFFERIES & CO.,
and THINKEQUITY PARTNERS, LLC

Defendants.

Case No. 3:07-CV-05327-JSW

DONALD SMITH, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR
BASSAN-ESKENAZI, and FREDERICK A.
BALL

Defendants.

Case No. 3:07-CV-05361-SI

1 WAYNE LUZON, On Behalf of Himself and All
Others Similarly Situated,

2
3 Plaintiff,

4 v.

5 BIGBAND NETWORKS, INC., AMIR BASSAN-
ESKENAZI, RAN OZ, FREDERICK BALL, GAL
6 ISRAELY, DEAN GILBERT, KEN GOLDMAN,
LLOYD CARNEY, BRUCE SACHS, ROBERT
7 SACHS, GEOFFREY YANG, MORGAN
STANLEY & CO., INC., MERRILL LYNCH,
8 PIERCE, FENNER & SMITH, INC., JEFFERIES &
CO., INC., COWEN AND CO., INC., and
9 THINKEQUITY PARTNERS, LLC

10 Defendants.

Case No. 3:07-CV-05637-WHA

11 DEBRA L. BERNSTEIN, Individually and On
Behalf of All Others Similarly Situated,

12 Plaintiff,

13 v.

14 BIGBAND NETWORKS, INC., AMIR BASSAN-
ESKENAZI, RAN OZ, FREDERICK A. BALL,
15 GAL ISRAELY, DEAN GILBERT, KENNETH A.
GOLDMAN, LLOYD CARNEY, BRUCE I.
16 SACHS, ROBERT J. SACHS, GEOFFREY Y.
YANG, MORGAN STANLEY & CO.,
17 INCORPORATED, JEFFERIES & COMPANY,
INC., MERRILL LYNCH, PIERCE FENNER &
18 SMITH INCORPORATED, COWEN AND
COMPANY, LLC and THINKEQUITY
19 PARTNERS LLC,

20 Defendants.

Case No. 3:07-CV-05819-CRB

21 EUGENE HAMMER, On Behalf of Himself and
All Others Similarly Situated,

22 Plaintiff,

23 v.

24 BIGBAND NETWORKS, INC., AMIR BASSAN-
ESKENAZI, FREDERICK A. BALL, RAN OZ,
25 LLOYD CARNEY, DEAN GILBERT, KEN
GOLDMAN, GAL ISRAELY, BRUCE SACHS,
26 ROBERT SACHS, and GEOFFREY YANG

27 Defendants.
28

Case No. 3:07-CV-05825-MHP

JAMES WILTJER, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., et al.

Defendants.

Case No. 3:08-CV-00022-CRB

1 This matter comes before the Court on the administrative motion of Movant Gwyn Jones
2 (“Jones”) requesting leave to file a sur-reply responding to Movant Sphera Fund’s (“Sphera Fund”)
3 newly raised arguments in its Reply Memorandum of Law In Further Support of Motion of Sphera
4 Fund For Appointment As Lead Plaintiff and Approval of Selection of Lead Counsel [Dkt. No.39].
5 Upon consideration of the foregoing administrative motion, the papers submitted in support and any
6 opposition thereto, and good cause appearing:

7 IT IS HEREBY ORDERED that Movant Jones’ motion to for leave to file a sur-reply is
8 GRANTED in its entirety.

9
10 DATED: _____
11 HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE

12 Submitted by:

13 DATED: January 25, 2008

14 HAGENS BERMAN SOBOL SHAPIRO, LLP

15
16 By: _____
17 REED R. KATHREIN

18 715 Hearst Avenue, Suite 202
19 Berkeley, CA 94710
20 Telephone: (510) 725-3000
21 Facsimile: (510) 725-3001
reed@hbsslaw.com

22 Steve W. Berman
23 HAGENS BERMAN SOBOL SHAPIRO, LLP
24 1301 Fifth Avenue, Suite 2900
25 Seattle, WA 98101
26 Telephone: (206) 623-7292
27 Facsimile: (206) 623-0594
28 steve@hbsslaw.com

1 Lewis S. Kahn
KAHN GAUTHIER SWICK, LLC
2 650 Poydras Street, Suite 2150
New Orleans, LA 70130
3 Telephone: (504) 455-1400
Facsimile: (504) 455-1498
4 lewis.kahn@kgscounsel.com

5 Kim E. Miller
KAHN GAUTHIER SWICK, LLC
6 12 East 41st Street, 12th Floor
New York, NY 10017
7 Telephone: (212) 696-3730
Facsimile: (504) 455-1498
8 kim.miller@kgscounsel.com

9 Attorneys for Lead Plaintiff Movant Gwyn Jones,
10 and Proposed Co-Lead Counsel for the Class
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Reed R. Kathrein
REED R. KATHREIN

Mailing Information for a Case 4:07-cv-05101-SBA

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Michael M. Goldberg**
info@glancylaw.com
- **Lewis Stephen Kahn**
lewis.kahn@kglg.com
- **Reed R. Kathrein**
reed@hbsslaw.com,nancyq@hbsslaw.com,sf_filings@hbsslaw.com
- **Joni L. Ostler**
jostler@wsgr.com,rstrickland@wsgr.com,pbaird@wsgr.com,flugo@wsgr.com,keggleton@wsgr.com
- **Alan Roth Plutzik**
aplutzik@bramsonplutzik.com
- **Rodney Grant Strickland , Jr**
rstrickland@wsgr.com
- **Michael Carl Tu**
mtu@orrick.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

James P. Cusick
Orrick Herrington & Sutcliffe, LLP
666 Fifth Avenue
New York, NY 10103-001